

### **REMARKS**

The Office Action dated October 14, 2009 has been reviewed and carefully considered. Claims 1 -21 remain pending, the independent claims being claims 1, 9 and 19. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-15 and 17-21 stand rejected under 35 USC 102(b) as being anticipated by Baran, U.S. Patent No. 5,421,030 (Hereinafter, "Baran"). Claim 16 stands rejected under 35 USC 103(a) as being unpatentable over Baran in view of Peters, U.S. Patent No. 5,812,778.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

Claim 1, as amended and with emphasis added, recites:

1. A method for managing a plurality of programs, the method comprising the steps of:

providing a call processor that receives a program request initiated by a user via a key-pad device;

establishing a communication channel with the key-pad device containing means for initiating a designated function, to generate a command signal indicative of a program desired by the user, **said command signal based on a current status of a corresponding television unit and an initiated designated function;**

establishing a separate second communication channel with said television unit; and,

transmitting, in response to the command signal, to said television unit a control signal to control said television unit to display the program desired by the user.

As emphasized above, claim 1 contains the features that the keypad has means for initiating a designated function and that the command signal is based on the initiated designated function and the current state of a corresponding display or television device. Examples of these features may be found in the paragraphs [0014] – [0024] of the published application. That is, these paragraphs illustrates different means for initiating a designated function (press 7, say channel 7) and current state of the device wherein the activation of "6" may either fast forward or move a cursor right, depending upon the state of the display.

Baran primarily relates to using TV cable infrastructure to provide phone service:

This invention relates to cordless telephones which send high speed packets of information over existing cable TV facilities to remote switches to create a complete telephone system (col. 1, lines 8-11).

An additional aspect of his invention is that it is capable of providing videotex information:

One novel feature of this system of the present invention is the ease by which it can integrate videotex with the other signals. Videotex is a graphical interface that is suitable for data retrieval by users without requiring the learning of computer skills (col. 6, lines 23-27).

Each VDG in turn can be connected to one of perhaps hundreds of different videotex sources (e.g. airline flight schedules, weather forecasts or various other data bases) that the user may wish to see [emphasis added] (col. 6, lines 39-43).

As an initial matter, applicant submits that "videotex information" as described by Baran is distinguishable from the "plurality of programs" recited in each of the independent claims of the present invention. The former relates to data that is to be simply displayed. The latter relates to "a stream of TV programs" (quoting paragraph [0025]). Baran's invention, having a 1991 priority date, relates to videotex as that term was defined at that time (and as Baran himself defined it in the above quoted passages).

Consequently, Baran fails to teach claim 1's feature of "providing a call processor that receives a **program request**" [emphasis added]. The passage of Baran referenced by the examiner as teaching this feature recites that a "videotex source of interest [is selected] ...to call up specific videotex **frames** ... the **images** requested would be sent ..." [emphasis added] (col. 6, lines 44-47). Applicant submits that such "videotex frames" and "images" fail to meet the language of claim 1 where programs are selected and transmitted.

Moreover, Baran fails to teach the use of the command signal being based on an initiated designated function and a state of a corresponding receiving system, as is recited in claim 1. The Office Action points to col. 6, lines 43-65 as teaching this feature. However, this passage merely points to keypad 40 of Fig. 10. No functionality is described. That is, the information or signals associated with each of the keys on this keypad is not associated with a state of a corresponding receiving system, as is recited in claim 1.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Baran cannot be said to anticipate the present invention, because Baran fails to disclose each and every element recited. As shown, fails to teach the use of the command signal being based on an initiated designated function and a state of a corresponding receiving system, as is recited in claim 1. Claims 9 and 19 also contain this feature and are deemed patentable over Baran for at least the same reasons.

Having shown that Baran fails to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claims 1, 9 and 19 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 9 and 19.

With regard to claims 2-8, 10-18 and 20-21, these claims ultimately depend from on of the independent claims, which have been shown to be not anticipated and allowable

in view of the cited references. Accordingly, claims 2-8, 10-18 and 20-21 are also allowable by virtue of their dependence from an allowable base claim. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In particular, with respect to claim 16, this claim recites “a storage device for storing data representative of a plurality of programs corresponding to incoming television programs.” The Office Action uses the combination of Baran and Peters in addressing this claim. Applicant respectfully submits that such a combination would not function as the examiner asserts as the teaching of Baran and Peters are incompatible. That is, the mechanism by which Baran selects his videotex frames for display involves arbitrarily assigning a TV channel to them. The assigned channel is then communicated back to the user input device. This channel information is then used to turn to the assigned TV channel either automatically (via an IR signal to the TV) or manually by the user in response to this notification (e.g., after notification by a voice command). See col. 6, lines 43-58 of Baran).

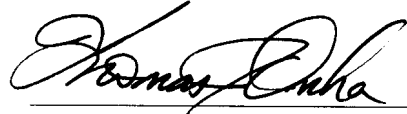
Applicants submit that this manner in which the actual TV channel containing the content selected by the user is arbitrarily assigned is incompatible with Peters and in particular with col. 3, lines 9-21 cited by the Office Action in the rejection of claim 16. This section relates to a type of video compression of transmitted TV signals. It is unclear how receiving, recording and compression of such signals functions with respect to the videotext frames of Baran where TV channels are “dynamically assigned to use any available channel in the assigned block of TV channels” [emphasis added] (col. 6, lines 37-38).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas J. Onka", written over a horizontal line.

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